

**Introduced by Senator Correa**

January 14, 2009

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An act to repeal Sections 3404 and 3405 of, and to repeal and add Sections 3401, 3402, and 3403 of, the Government Code, relating to the Public Safety Officer Medal of Valor.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 52, as introduced, Correa. Public Safety Officer Medal of Valor.

The Public Safety Officer Medal of Valor Act establishes the Medal of Valor Review Board that recommends candidates to the Attorney General for the Medal of Valor from among the applications received by the board. Existing law prohibits the board from meeting more than once each year or from recommending any more than 5 candidates to the Attorney General. The act authorizes the Attorney General to increase the number of candidates in a given year in extraordinary cases.

The Public Safety Officer Medal of Valor Act authorizes the Governor to annually award and present in the name of the State of California a Medal of Valor to one public safety officer, as defined, who is cited by the Attorney General, upon the recommendation of the board, for extraordinary valor above and beyond the call of duty. In exceptional circumstances, the Governor is authorized to award more than one Medal of Valor in a year. The Medal of Valor is the highest state award for valor awarded to a public safety officer.

This bill would remove the limit on the number of candidates that the board may recommend. The bill would also eliminate the provisions that prohibit the board from meeting more than once a year. The bill would also authorize the Governor to award and present the Medal of Valor to one or more public safety officers, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 3401 of the Government Code is repealed.  
2     ~~3401. The following definitions govern this chapter:~~  
3     ~~(a) “Board” means the Medal of Valor Review Board.~~  
4     ~~(b) “Public safety officer” means a person serving a public~~  
5     ~~agency, with or without compensation, as a firefighter, law~~  
6     ~~enforcement officer, or emergency services officer, as determined~~  
7     ~~by the Attorney General. “Law enforcement officer” includes a~~  
8     ~~person who is a corrections or court officer or a civil defense~~  
9     ~~officer.~~  
10    SEC. 2. Section 3401 is added to the Government Code, to  
11    read:  
12    3401. The Governor annually may award and present, in the  
13    name of the State of California, a Public Safety Medal of Valor of  
14    appropriate design, with ribbons and appurtenances, to one or more  
15    public safety officers cited by the Attorney General pursuant to  
16    Section 3402 for extraordinary valor above and beyond the call of  
17    duty. The medal shall be the highest state award for valor awarded  
18    to a public safety officer, which includes any person serving a  
19    public agency, with or without compensation, as a firefighter, a  
20    law enforcement officer, including a corrections or court officer  
21    or a civil defense officer, or an emergency services officer.  
22    SEC. 3. Section 3402 of the Government Code is repealed.  
23    ~~3402. The Governor annually may award, and present in the~~  
24    ~~name of the State of California, a Medal of Valor of appropriate~~  
25    ~~design, with ribbons and appurtenances, to one public safety officer~~  
26    ~~who is cited by the Attorney General, upon the recommendation~~  
27    ~~of the Medal of Valor Review Board, for extraordinary valor above~~  
28    ~~and beyond the call of duty. In exceptional circumstances, the~~  
29    ~~Governor may award more than one Medal of Valor in a year. The~~  
30    ~~Public Safety Medal of Valor shall be the highest state award for~~  
31    ~~valor awarded to a public safety officer.~~  
32    SEC. 4. Section 3402 is added to the Government Code, to  
33    read:  
34    3402. (a) There exists in state government the Public Safety  
35    Medal of Valor Review Board, whose purpose is to solicit and

1 review applications for, and make recommendations to the Attorney  
2 General regarding, the Public Safety Medal of Valor.

3 (b) The board shall be comprised of one representative selected  
4 by each of the following organizations:

- 5 (1) The California Association of Highway Patrolmen.
- 6 (2) The California Correctional Peace Officers Association.
- 7 (3) The California Peace Officers' Association.
- 8 (4) The California Police Chiefs' Association.
- 9 (5) The California State Firefighters' Association.
- 10 (6) The California State Sheriffs' Association.
- 11 (7) The California Statewide Law Enforcement Association.
- 12 (8) The Peace Officers Research Association of California.
- 13 (9) A group, selected by the board, that represents emergency

14 medical technicians and paramedics.

15 (c) The board shall be chaired by a member elected by a majority  
16 vote of the members at the first official meeting of the board each  
17 year. The board shall meet at the call of the chair. Members shall  
18 serve without compensation or reimbursement for expenses, and  
19 they shall minimize travel and expenses to the greatest extent  
20 possible.

21 (d) The board shall review the applications for the medal to  
22 determine which applicants, if any, to recommend to the Attorney  
23 General. The board may hear from witnesses and consider whatever  
24 information it considers advisable to carry out its duties. The board  
25 may secure directly from any state department, or other state or  
26 local agency, information as the board considers necessary to carry  
27 out its duties. Upon the request of the board, the head of a  
28 department or agency may furnish information to the board. The  
29 board shall not disclose any information that may compromise an  
30 ongoing law enforcement investigation or is otherwise required  
31 by law to be kept confidential.

32 (e) Not more often than once each year, the board may present  
33 to the Attorney General the name or names of those persons, if  
34 any, it recommends as candidates for the medal.

35 (f) The board may receive donations to pay for meeting and  
36 witness expenses. Witnesses requested to appear before the board  
37 may be paid no more than the fees paid to witnesses pursuant to  
38 the Code of Civil Procedure.

39 SEC. 5. Section 3403 of the Government Code is repealed.

1     ~~3403. (a) There is established a Medal of Valor Review Board,~~  
2 ~~which shall be comprised of representatives of the organizations~~  
3 ~~named in subdivision (b) and shall conduct its business in~~  
4 ~~accordance with the provisions of this chapter. The members of~~  
5 ~~the board shall serve without compensation or reimbursement for~~  
6 ~~travel, per diem, or other expenses. The board shall minimize travel~~  
7 ~~and expenses and utilize technology to the greatest extent possible~~  
8 ~~by teleconferencing, digital transmission of data, electronic mail,~~  
9 ~~and other communication methods.~~

10     ~~(b) The board shall consist of a representative, or his or her~~  
11 ~~designee, selected by each of the following organizations:~~

- 12     ~~(1) The California Peace Officers' Association.~~  
13     ~~(2) The California Correctional Peace Officers Association.~~  
14     ~~(3) The California State Firefighters' Association.~~  
15     ~~(4) The Peace Officers Research Association of California.~~  
16     ~~(5) The California Police Chiefs' Association.~~  
17     ~~(6) The California Association of Highway Patrolmen.~~  
18     ~~(7) The California State Sheriffs' Association.~~  
19     ~~(8) The California Union of Safety Employees.~~  
20     ~~(9) A group, selected by the board, that represents emergency~~  
21 ~~medical technicians and paramedics.~~

22     ~~(c) The term of a board member shall be four years.~~

23     ~~(d) Any vacancy in the membership of the board shall not affect~~  
24 ~~the powers of the board and shall be filled in the same manner as~~  
25 ~~the original appointment.~~

26     ~~(e) The chair of the board shall be elected by a majority of the~~  
27 ~~members of the board at the first official meeting of the board at~~  
28 ~~a time and place designated by the Attorney General.~~

29     SEC. 6. Section 3403 is added to the Government Code, to  
30 read:

31     3403. (a) The Attorney General shall review the candidates  
32 recommended to him or her by the Public Safety Medal of Valor  
33 Review Board and advise the Governor which candidates, if any,  
34 merit the Attorney General's citation for extraordinary valor above  
35 and beyond the call of duty.

36     (b) The Attorney General shall pay for the production of the  
37 medals from existing resources within the Department of Justice.

38     SEC. 7. Section 3404 of the Government Code is repealed.

39     ~~3404. (a) The board shall conduct its first meeting not later~~  
40 ~~than 90 days after the appointment of the last member appointed~~

1 of the initial group of members appointed to the board. Thereafter,  
2 the board shall meet at the call of the chair of the board. The board  
3 shall meet not more than once each year.

4 (b) A majority of the members of the board shall constitute a  
5 quorum to conduct business, but the board may establish a lesser  
6 quorum for conducting hearings scheduled by the board. The board  
7 may establish by majority vote any other rules for the conduct of  
8 the board's business, if the rules are not inconsistent with this  
9 chapter or other provisions of law.

10 (c) The board shall recommend candidates for the Medal of  
11 Valor from among the applications received by the board. Not  
12 more often than once each year, the board may present to the  
13 Attorney General the name or names of those it recommends as  
14 candidates for the Medal of Valor. In a given year, the board shall  
15 not be required to recommend any candidates but may not  
16 recommend more than five candidates. The Attorney General in  
17 extraordinary cases may increase the number of candidates in a  
18 given year. The board shall set an annual timetable for fulfilling  
19 its duties under this chapter.

20 (d) The board may hold one annual hearing, sit and act at a  
21 designated time and place, administer oaths, take testimony, and  
22 receive evidence as the board considers advisable to carry out its  
23 duties.

24 (e) Witnesses requested to appear before the board may be paid  
25 the same fees as are paid to witnesses pursuant to the Code of Civil  
26 Procedure. The per diem and mileage allowances for witnesses  
27 shall be paid from funds donated to the board.

28 (f) The board may secure directly from any state department or  
29 other state or local agency information as the board considers  
30 necessary to carry out its duties. Upon the request of the board,  
31 the head of a department or agency may furnish information to the  
32 board.

33 (g) The board shall not disclose any information that may  
34 compromise an ongoing law enforcement investigation or is  
35 otherwise required by law to be kept confidential.

36 SEC. 8. Section 3405 of the Government Code is repealed.

37 3405. (a) The board is authorized to receive donations which  
38 shall be used to pay any costs associated with holding its annual  
39 meeting and having witnesses. If no donated funds are available  
40 to the board, the board may not hold hearings and have witnesses.

- 1     ~~(b) The costs of production of the medals shall be funded from~~
- 2     ~~existing resources within the Department of Justice.~~